

Exhibit 4

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TROOPER 1,

Plaintiff,

vs.

Case No.:
22-CV-00893

NEW YORK STATE POLICE, ANDREW
CUOMO, MELISSA DEROSA and
RICHARD AZZOPARDI,

Defendants.

June 27, 2023
10:02 a.m.

* * * C O N F I D E N T I A L * * *

Remote video-teleconference deposition of JAMES
BOYLE, taken by Plaintiff, held at the offices of
Harris Beach, PLLC, 100 Wall Street, New York, New
York, pursuant to notice, before Elizabeth F. Tobin,
a Registered Professional Reporter and Notary Public
of the State of New York.

1 J. Boyle

2 communications have been around that?

3 A. At the very least, just an email stating
4 what time we're going to arrive, what we need,
5 letting them know where to have the uniform detail
6 perform the place. It depends on the event. It
7 could be elaborate or it could be a brief email.

8 Q. In a circumstance like that where there's
9 going to be a marked vehicle leading the Governor's
10 unmarked car, what would your expectations have been
11 in terms of who would be assigned to drive that lead
12 car?

13 A. It would have to be someone competent and
14 reliable. I think I mentioned earlier when I speak
15 to, like, an old salty trooper who would roll his
16 eyes when I say what we have to do. So that was
17 someone who she works with determined she was the
18 person for it. I would assume it's her supervisor.
19 I shouldn't assume anything. But that would be the
20 normal course of events.

21 Q. How often would it occur that PSU members
22 would come into contact with non-PSU troopers? How
23 often did you kind of work together?

24 A. Not a lot. Well, most of the time it
25 would be another investigator, someone who is in a

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2 suit as opposed to a uniform. But on that
3 particular event we wanted -- whoever ran it wanted
4 the show of a uniform. So how often was the
5 question, it happens, but not a lot.

6 Q. How often would you say the Governor came
7 into contact with non-PSU members?

8 A. For day-to-day, he wouldn't. There have
9 been occasions, particularly in New York City, where
10 if there was two troopers standing on a post, he
11 would get out of the car and shake hands with them.
12 I can't think of any other situation where it could
13 happen.

14 Q. Do you recall when you were introduced to
15 Trooper 1, do you recall what that conversation was
16 like? Did you introduce yourself, did you have
17 small talk?

18 A. I vaguely recall -- I had her name and I
19 asked someone to point her out to me so we could run
20 the route. And then we met and it was just friendly
21 conversation.

22 Q. Do you remember what the friendly
23 conversation consisted of?

24 A. Probably just me joking about I know this
25 sounds simple what we're doing, but we take it very

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2 serious, something to that effect.

3 Q. Did you have conversations -- did you
4 know anything about her background, how long she had
5 been in, anything like that?

6 A. No. No, I don't think so. No.

7 Q. Did you talk to her about the PSU at all
8 in the car?

9 A. I don't think I -- I don't think I ever
10 mentioned at the bridge.

11 Q. You said that you were impressed with
12 her on that day at that event. You said she took it
13 seriously?

14 A. Correct.

15 Q. And she listened to your instructions
16 about the route?

17 A. Correct.

18 Q. And I think you said when you -- when the
19 Governor arrived, you were outside the vehicle and
20 you greeted the Governor?

21 A. Correct. Yes.

22 Q. And then I think you said he asked who's
23 in the car?

24 A. Yes.

25 Q. And then can you tell me what happened

1 J. Boyle

2 when he said who was in the car? What did you say
3 to him?

4 A. I don't remember specifically. I
5 probably would have addressed the fact that it's not
6 someone you know. I probably said something
7 positive, that she did a good job. And he got out
8 of the car and said, Oh, I want to meet her.

9 I said, Hey, pop out, he wants to meet
10 you.

11 Q. I think you said he shook her hand?

12 A. Yes. Yes.

13 Q. And that she looked him in the eye?

14 A. Yes. She stood up to him, looked him
15 dead in the eye. I know it sounds silly, but I've
16 seen troopers when they greets them actually cower
17 or be nervous.

18 Q. And Trooper 1 didn't flinch, I think is
19 what you said?

20 A. Didn't flinch is the phrase I used, yes.

21 Q. That was impressive because, as you say,
22 sometimes even your State Police members will cower?

23 A. Correct.

24 Q. When did it first occur to you, hey, I'd
25 like to recruit Trooper 1 to the PSU?

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2 A. I think during the handshake is when I
3 said to myself that she'd be a good fit.

4 Q. Did you say anything to her after the
5 Governor left, like, Hey, you did a good job, that
6 was impressive?

7 A. I hope I did, at least said that she did
8 a good job. I don't know that I addressed the fact
9 of her coming on to PSU. I don't know. Something
10 like that, maybe I would have mentioned it to Vinny
11 first before I go making promises I can't keep. So
12 I don't think I did say anything as far as
13 recruitment.

14 Q. At the time that you formed this initial
15 idea to recruit Trooper 1 to the PSU, did you have
16 any sense of how much time she had in?

17 A. No. I never asked. I didn't ask.

18 Q. I take it that because you might not want
19 to recruit her you believe at that time that she met
20 the three-year requirement?

21 A. The three-year requirement never crossed
22 my mind. I just didn't think about it.

23 Q. Do you remember whether you first raised
24 the possibility of recruiting Trooper 1 to the PSU
25 to the Governor or did you raise it with Vinny

1 J. Boyle

2 the one we're talking about. I know I had a
3 conversation with Molly. But I don't know if that
4 was the bridge.

5 MS. TRZASKOMA: Sam, if you could load
6 the couple of photos at the bridge.

7 (Exhibit 9, color photograph, marked for
8 identification.)

9 (Exhibit 10, color photograph, marked for
10 identification.)

11 A. That's Molly.

12 Q. That's Molly. For the record, I think
13 this is Exhibit 9 and you're identifying Trooper
14 Palizay at the RFK -- do you recognize that as the
15 RFK event?

16 A. It could be.

17 Q. When you say that's Molly, you're
18 referring to the trooper all the way on the left?

19 A. Correct.

20 Q. And you knew Trooper Palizay because she
21 had gone to the Virgin Islands for a trip that you
22 were on with the Governor?

23 A. Yes.

24 Q. And you spoke to her when you were on
25 that trip?

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2 A. Yes. Yes.

3 Q. And you formed a favorable impression of
4 her?

5 A. Yes, I did.

6 Q. I just want to show you, I think,
7 Exhibit 10.

8 It's a little hard to see, but is Molly,
9 think, to the right all the way over on the
10 right-hand side? Is that Molly?

11 A. Most likely, yes.

12 Q. I think there was some discussion around
13 whether you ever thought to recruit Trooper Palizay
14 to the PSU and it sounds like you just don't
15 remember one way or the other?

16 A. I'm sorry. I don't remember -- what was
17 the question?

18 Q. Whether you thought to recruit Trooper
19 Palizay to the PSU?

20 A. Prior to this bridge event, I knew Molly.
21 I would have absolutely recruited her. But she
22 lived in Buffalo and that would not make sense. I
23 liked Molly because she's a military person and she
24 carries herself as a military person. I thought she
25 would have been a great fit. But her location would

1 J. Boyle

2 not work out.

3 Q. Do you also recall that Trooper Palizay
4 graduated from the academy in May of 2017?

5 A. I didn't know her graduation date, but
6 yeah, she was a new trooper.

7 Q. She was a new trooper?

8 A. Yes.

9 MS. TRZASKOMA: Sam, why don't we pull up
10 the article.

11 (Exhibit 11, color photograph, marked for
12 identification.)

13 (Exhibit 12, Patch.com article, marked
14 for identification.)

15 MR. CRAIN: Quickly, the last two
16 exhibits haven't had Bates-stamps. Were these
17 produced previously?

18 MS. TRZASKOMA: This Exhibit 11 which is
19 a newspaper article, was -- I believe the
20 photos were.

21 MR. PROSE: Exhibit 12 is the article,
22 just for the record.

23 MS. TRZASKOMA: Sorry. Can we go back to
24 Exhibit 11.

25 Q. Just to confirm, is Trooper Palizay the

1 J. Boyle

2 trooper just in front of the Governor with the white
3 trooper, the white female trooper?

4 A. It is the white female trooper in the
5 picture, yes.

6 Q. I'm showing you Exhibit 12 is a newspaper
7 article from Patch.com congratulating graduates from
8 the police academy in May of 2017.

9 MS. TRZASKOMA: Sam, which page is she
10 on?

11 MR. PROSE: I think she should be on page
12 10.

13 Q. If you look at the top of the 10th page
14 of this PDF, under Troop NYC, do you see Molly --

15 A. I see her name, yes.

16 Q. --Palizay's name?

17 A. Yes.

18 Q. Does this refresh your recollection that
19 Trooper Palizay graduated from the academy in May of
20 2017?

21 MR. CRAIN: Objection.

22 A. No. I don't keep track of when everyone
23 graduates. I don't know.

24 Q. So you didn't know at the time?

25 A. I had no idea. I'm actually surprised

1 J. Boyle

2 there, than let's say on the travel team or in a car
3 at an event.

4 Q. Is it fair to say it's less high profile
5 than being on the travel team?

6 A. Yes, definitely less high profile.

7 Q. Do troopers on house duty have less
8 interaction with the Governor?

9 A. It depends. The night shift has zero
10 contact with him. The day shift, depends if he
11 comes out. If he's doing yard work, they'll have
12 plenty. The travel team troopers who are in the
13 trail car have zero interaction with him. So
14 it's -- the answer is it depends.

15 Q. But it's fair to say that a trooper on
16 house duty would have less interaction with the
17 Governor than a trooper assigned to the primary
18 vehicle?

19 A. Correct.

20 Q. Do you know how it was determined that
21 Trooper 1 would be assigned to house duty?

22 A. I don't know. I'm sorry. I know I
23 wanted her in a more high-profile position just
24 because of our lack of diversity.

25 Q. Did you have a conversation with anyone

1 J. Boyle

2 about the fact that she had been assigned to the
3 house?

4 A. I mentioned it to Vinny, I know that.
5 The results of that conversation I don't remember.

6 Q. When did you mention it to Vinny
7 Straface?

8 A. Sometime after she arrived on the house.

9 Q. What do you remember saying to Vinny
10 Straface about the fact that Trooper 1 had been
11 assigned to the house?

12 A. Something to the effect that we recruited
13 her for the travel team and I really don't remember
14 much more than that.

15 Q. What did Vinny Straface say to you?

16 A. I believe he agreed with me and said in
17 time, was his answer, in time.

18 Q. And at some point Trooper 1 was assigned
19 to the travel team; is that correct?

20 A. That's correct.

21 Q. But she was assigned to Senior
22 Investigator Plaskocinski's team?

23 A. Yes.

24 Q. Platoon -- do you call it a platoon?

25 A. Team is good. Team works.

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2 Q. And I think you said either here or
3 previously that you were sort of upset by the fact
4 that she wasn't assigned to your team?

5 A. Yes.

6 Q. Why was that?

7 A. One, I felt I recruited her. It's a good
8 person, you should have them. Also Fabricio, he had
9 Maria and Trooper 1 on his team and I had no
10 females. Especially when you're doing daughter
11 transports, I always wanted to have a female
12 transporter.

13 Q. Why was that?

14 A. Well, you saw what happened when they
15 didn't.

16 Q. So at some point were you aware that
17 Trooper 1 was assigned to be the primary driver for
18 the travel team?

19 A. It was my understanding that she was
20 never the primary. I could be wrong. But I didn't
21 know she -- I know she did drive.

22 Q. She did drive.

23 What do you know about the fact that she
24 drove?

25 A. Well, just most people do, they try them

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2 out, see if it works. The comfort level. Comfort
3 level, your driving ability. Are you hard on the
4 brake. Are you nervous. Are you doing something
5 dangerous. Just testing. My understanding she did
6 well driving. And that's why she did it a few more
7 times.

8 Q. At some point did she drop driving the
9 Governor?

10 A. I really don't know. It's not my team.
11 I didn't pay that close attention.

12 Q. You never heard that she was removed from
13 the primary vehicle?

14 A. I can't say yes or no. I wouldn't really
15 pay attention. It's really not a big deal to get
16 removed.

17 Q. I think you said if you're in the tail
18 vehicle you have basically zero contact with the
19 Governor?

20 A. Yeah. Pretty much zero.

21 Q. You recall that you were interviewed by
22 the Attorney General investigator on two occasions;
23 is that right?

24 A. Yes.

25 Q. And that was a couple of years ago in